Previous references.

File No. 53 of

190 5

(III Prisons.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4.

PART B FOR March 1905

SUBJECT.

Intimation to the Jail authorities, of the Recovery of fines, ~~by sentencing Magistrates~~ due from the prisoner

FILE No. 53 of 1904-05.

Intimation to the Jail authorities, of the recovery of fines due from prisoners.

From the Inspector General of Prisons in Mysore, No. 193, dated 3rd February 1905.

States that the Superintendent, Central Jail released a prisoner on receipt of telegram from a Police Inspector as to the recovery of the fine due from the prisoner, and requests that definite orders may be issued that intimation of such recovery may be sent in proper form by the sentencing Magistrate only. [Enclosure copy of letter No. 103, dated 28th January 1905, from the Superintendent, Central Jail].

Government Order No 2363-4, dated 18th February 1905, to the Inspector General of Prisons, and the Registrar of the Chief Court of Mysore.

Invites the Inspector General's attention to Rules of Practice Nos. 12 and 23, dated respectively 8th May 1879 and 10th August 1881, and states that the prison officers should refuse to act on intimations received otherwise than through the proper channel, and requests the Registrar of the Chief Court to ascertain whether, in the case brought to notice, intimation of the recovery of fine was promptly sent by the Magistrate concerned to the Superintendent, Central Jail.

From the Registrar of the Chief Court, No. 4975, dated 10th March 1905.

R. S. 5

States that intimation of the recovery of fine had been duly given by the Assistant Commissioner and 1st Class Magistrate, Davangere, to the Superintendent Central Jail, in the case in question.

Government Order No. 2651-2, dated 22nd March 1905, to the Inspector General of Prisons and the Registrar of the Chief Court.

G. R. S. 11] 1905.

GENERAL AND REVENUE SECRETARIAT.

(III. Prisons)

NOTES.

File No. 53 of 04-05

FILE HEADING.

Recovery of fines, by the Sentencing Magistrate, from the prisoners.

From

The Inspector-General of Prisons in Mysore.

No. 193/9 Dated 3.2.05 Received 6.2.05

Diary No. 9 1634 | Enclos. 1/2 Spare Copies. 4 | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests the Government to issue definite orders in re the recovery of fines from the prisoners to be intimated in proper form duly signed by the Sentencing Magistrate with the Court seal affixed thereon.

NOTES AND ORDERS.

Record & Subd. 18/2/05

1) Subd for orders. The Chief Court may be consulted SW 7/2/05 on the point. 2) Post fine - What is the existing rule on the point? Look up Mysore Jail Manual also the Madras Jail Rules.

Subd. 8.2.05

3) There is no rule on the subject in the Mysore Jail

NOTES—First sheet.

MGCPB—25,000—18-8-04

Serial No.

Flag Q

Jail Manual. But Section 956 of the Madras Jail Manual lays down that every Court receiving payment of or part payment of a fine shall communicate the fact to the Supdt. of the jail to which it has sent the convict and that such communications should be by means of letter and that action should not be taken on telegrams. The above provisions may with advantage be adopted here.

SW 9-2-05 4) See Rule 726 & 727 of the Bijapur Jail Manual, which are however vague as regards the person to whom payment of fine may be made & by whom information of the fact is to be sent to the Supdt. of the Jail. Section 68 of the Criml. Procedure Code ~~(Section)~~, requires that the imprisonment in default of payment of a fine shall terminate "whenever that fine is either paid or levied by process of law."

5) Let us ascertain from the Registrar of the Chief Court — whether there are any Rules of Practice or Circulars of that Court regarding the ~~Receipt of~~ authority to whom fines may be paid & by whom intimation is to be given to the Jail Supdt. And also

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General and Revenue Secretariat.

File No. 54 of 1904-05

Serial No.

the letter of the D.J. Orissa for opinion.

9/2/05

6) Subd with a draft letter as directed

SN 10/2/05 Secy 10.2.05

7) The Secretary said that there was a standing order on the subject & asked that it may be put up. A draft D.O. to the Regr, Chief Court is subd for the Secy's approval.

SN 12/2/05

8) Done 13/2/05

9) In reply, the Registrar, Chief Court forwards a copy each of Rules of Practice Nos 12 & 23 & of letter No. 24. Rule of Practice No. 12 dated the 8th May 1879 lays down that on the payment into Court of a fine inflicted by sentence of the Court or of any portion thereof, the Head clerk of the Sessions or of the Magistrates' Court shall give immediate information of the same to the Sessions Judge or Magistrate who shall intimate the fact to the Officer in charge of the jail or Lockup in which the prisoner might be confined.

Subd for orders.

SN 15/2/05 to/ Invite the attention of the D.J. of Orissa to Rule

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General and Revenue
Secretariat.

File No. 54 of 1904-05

Serial No.

Practice 12 & 23, and say that the instructions contained therein appear to be sufficient. It is for the officers in charge of prisons to refuse to act upon intimations received otherwise than through the proper channel, & the D.G. should instruct them accordingly. For report to note the increasing instances of Mr Rivaz Wright's inattention to the correct procedure of Rails.

15.2.05

1) Subd with a draft order accordingly

SP 16/2/05

L.C. 9

16.2.05

2) Passed

17.2.1905

17.2.05

To

The Inspector-General of Prisons, in Mys.

& Registrar of the Chief Court —

Letter No: J 2363-4/Prisons 53-2. dated 18.2.05

Draws the D.G's attention to rules of Practice Nos 12 & 23, Dated 8th May 1879 & 10th August 1881, copies forwarded thereon for ready reference, to the effect that officers in charge of prisons should refuse to act upon intimations received otherwise than through the proper channel & requests the

MGCPB—20,000—1-11-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 53 of 1904—05

Serial No.

Registrar of the Chief Court to ad whether intimation of the recovery of the fine in Criminal Case No: 4 of 1903-04 on the file of the 1st Class Magistrate of Davangere, was promptly sent by the Magistrate to the Supdt of the Banga Central gail, as required by the rules of practice.

From

3 The Registrar of the Chief Court of Mysore.-

Letter no: 4975/279 dated 10.3.05.

States that the intimation in question was given by the 1st Class Magistrate concerned to the Supdt of the gail, as noted below.

Recovery of Rs 187-0-3, was intimated in docket ~~no 216~~ no: 216, dated the 10th May 1904.

Recovery of Rs 4-0-0 was intimated in docket no: 3, dated the 28th July 1904.

Recovery of Rs 108-15-9 was intimated in docket no: 256, dated the 31st January 19[illegible]

To Record etc'os

13/Subd with a draft order recording.

SV 16/3/05

14.) Dr 21/3/05

Note—Contn. sheet.

MGCPB—20,000—1-11-01.

G.R.S. 12]

General and Revenue Secretariat.

File No. 5-3 of 1904-05

Serial No.	
4	To The Registrar, Chief Court- Mysore Memo No. 2651-2/Pris 3-4, dated 22.3.05. Records the above.

File No 53 of 04-05
Sl. No. 1.
Encl

J1634.

No. 193 J Office of the Inspr. Genl. of Prisons in Mysore,

Dated Bangalore, 3rd February 1905.

From

Lt.-Colonel J.Smyth M.D., I.M.S.,

Offg. Inspector General of Prisons in Mysore.

To

B.K.Venkatavaradaiengar Esqr.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments.

Sir,

In forwarding herewith a copy of letter No.103 dated the 28th January 1905, from the Superintendent Bangalore Central Jail in connection with the release of prisoner Bagavan Raja Sab, accused in Criminal case No.4 of 03-04 on the file of the Sub Division Assistant Commissioner and 1st class Magistrate Davangere, I have the honor to state that the prisoner in question appears to have been undergoing, at the time of release, alternative sentence for default in the payment of fine and on receipt of the intimation of the recovery of fine from the Police Inspector of the Davangere Taluk, the Superintendent has released prisoner Bagavan Raja Sab instantly on the 31st January 1905, which should not have been the case.

2. Properly speaking on receipt of the Police intimation or of information by telegram &c., the Superintendent should have made a reference to the sentencing Court, and on receipt of a reply from the Magistrate confirming the Police or other intimation, he should have released the prisoner. Since the prisoner has been released, I could do nothing else but giving instructions to the Superintendent to the above effect for his future guidance.

3. As it is just possible for relatives or friends of a prisoner to obtain his release by sending such intimations through post forging the signature of any police officer

Prisons
III
Nov 6/2

L1634

1905 File no: 53
Serial no: 1

From
The Offg Inspr Genl. of Prisons
In Empire

To The Secretary to
Govt. Genl & Rev Depts

Dated 3rd February 190

Despatched

Received

General No. 193
No. 2

Enclosure No. 1

Requests ~~that~~
definite orders may
be issued by Govt re
sending fine recovery
intimations in proper
form duly signed by
the Magistrate of the
Sentencing Court.

note

or by sending false telegram, I request that you will be so good as to place the matter before Government so that they may take early steps to remedy the evil complained of by issuing definite orders for the guidance of all Magistrates in the Province to send fine recovery intimations in proper form duly signed by the Magistrate of the sentencing Court and with the Court seal affixed thereon.

I have the honor to be,

Sir,

Your most obedient servant,

M.D.,

Lt.-Colonel I.M.S.,

Offg. Inspector General of Prisons.

T.C.G.

No.103 Office of the Superintendent of the Central Jail,

Bangalore 28-1-1905.

From

G.Hume Wright Esqr.

Superintendent, Central Jail, Bangalore.

To

Lt.-Colonel J.Smyth M.D., I.M.S.,

Offg. Inspector General of Prisons in Mysore.

Sir,

I have the honor to report that an intimation about the full recovery of fine imposed upon Bagavan Raja Sab accused in Criminal case No.4 of 03-04 on the file of the sub division Assistant Commissioner and 1st Class Magistrate Davangere Division has this day been received from the Police Inspector Davangere and the prisoner is instantly released from the Jail. I request orders may be issued that such intimations should be given by Magistrates.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) G.Hume Wright

Superintendent

Central Jail,

Bangalore.

" C O P Y "

M.D.,

Lt.-Colonel I.M.S.

Offg. Inspector General of P

T.C.G.

Prisons.
File No. 5
S. No.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:-

Letter No.193/ J dated the 3rd February 1905, from the Inspector General of Prisons in Mysore, bringing to notice a case in which a prisoner, who was undergoing in the Bangalore Central Jail an alternative sentence of imprisonment for default of payment of fine passed by the Assistant Commissioner and 1st class Magistrate of Davangere in Criminal case No.4 of 1903-04 on his file, was released on receipt of an intimation from the Police Inspector of Davangere of the recovery of such fine and stating that the Superintendent, Central Jail, should not have acted upon such intimation but verified the fact by a reference to the sentencing ~~Co~~ Court, and requesting therefore that definite instructions may be laid down directing all the Magistrates in the State to send intimation of the recovery of fines ~~passed~~ imposed on prisoners in proper form with the seal of the Court to the Officer in charge of the Jail or lock-up in which such prisoners are confined.

Order thereon No. J 2366-4 8/18/1905.
Pris. 53-2

The Inspector General's attention is invited to the Rules of Practice Nos.12 and 23 dated the 8th May 1879 and 10th August 1881 (copies of which are forwarded for ready reference), laying down the procedure

to be adopted in regard to notifying the Officers in charge of prisons of the recovery of Criminal fines ~~imposed by the Courts~~. The instructions contained therein appear to be sufficient as regards Courts. The Officers in charge of prisons should refuse to act upon intimations received otherwise than through the proper channel, and the Inspector General is requested to instruct them accordingly.

~~Government regret to notice the increasing instances of the Magistrates in connection with the correct procedure of fines~~

2. The Registrar of the Chief Court will be requested to ascertain whether intimation of the recovery of the fine in the case brought to notice was promptly sent by the Magistrate to the Superintendent of the Bangalore Central Jail as required by the Rules of practice.

16-2-05
17

17.2.1905
Secretary.

To

The Inspector General of Prisons in Mysore.

The Registrar of the Chief Court in Mysore.

Copied 17/2/05
Examined. 17/2/05

No 4473
279

1741

Bangalore 10 March 1905

File no: 5'3
Serial no: 3

To

The Registrar of the
Chief Court of Mysore.

Sir,

With reference to the Proceedings of Government No J 2363-4 / Pris: 532 dated the 7th February 1905, I am directed to state that the Assistant Commissioner and 1st class Magistrate of Bangalore reports that intimation of the recovery of fine imposed on the Accused in Criminal Case No 4 of 1903-04 on the file of this Court has been given by him to the Superintendent, Central Jail, as noted in the margin.

I have the honor to be,
Sir,
Your most Obedient Servant,
[illegible]

Recovery of Rs 4-0-0 was intimated to the Superintendent Central Jail vide No 3 dated 10 Jany 1904.

Recovery of Rs 108-15-9 was intimated to the Superintendent Central Jail vide No 256 dated 31 January 1905.

Recovery of Rs 187-0-0 was intimated to the Superintendent Central Jail vide No 1 dated 25 July 1904.

Recovery of Rs 1-0-0 was intimated to the Superintendent Central Jail vide No 1 dated 15/3/05

G.R.S. 28]

File No. 53.

Serial No. 4.

Diary No. of letter replied to ———

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, the 190

Date of issue 22-3-1905

Signed by Mr. B. K. Venkata Varada Iyengar

READ.—

Letter No. 4975/279 dated the 10th March 1905 from the Registrar, Chief Court of Mysore, reporting with reference to para 2 of Govt Proceedings No. J 2363-4 Dr: 53-2 dated the 18th February 1905 that ~~ORDER REQUIRED. No.~~ intimation of the recovery of fine imposed on the accused in Criminal case No. 4 of 1903-04 on the file of the Assistant Commissioner and 1st class Magistrate was given by him to the Superintendent of the Bungalow

over

SUBJECT

Initial of on the date shown in the
margin.

1. Receipt of Rs 157-0-3 — was intimated
in Docket No. 216 d: 10-5-0
2. Debts of Rs 4 . . . do — in docket
No. 3 d: 28-7-02
3. Debts of Rs 108-15-9 — do — in year
No. 256 d: 31-1-05

Order thereon. No. 2651-2
pri 53-2

Recorded.

Secretary

To
The I. G. of Prisons in Mysore.
& Registrar, Chief Court.

Copies dis. 22/3/05
Examined. SN.
22/3/05